

TSA Sanction Guidelines



Transportation Security Administration

This TSA policy directive provides sanction guidance for imposing civil penalties up to \$10,000 per violation for all “persons,” including individuals, when a determination is made that civil penalty enforcement action should be taken.¹ This sanction guidance is being issued to assist TSA personnel on the appropriate application of penalties under TSA’s present civil penalty authority.

While TSA does not wish to impose civil penalties on travelers, it sometimes becomes necessary to enforce the Federal Regulations for the protection of the public and the TSA Screeners.

On November 19, 2001, the Aviation and Transportation Security Act (ATSA) was enacted. ATSA created the Transportation Security Administration (TSA), and transferred authority for enforcement of civil aviation security requirements from the Federal Aviation Administration (FAA) to TSA. TSA has operated its civil enforcement program utilizing many of the FAA procedures and policies already in place. On November 25, 2002, the Homeland Security Act increased the statutory maximum penalty amounts for civil violations of TSA’s security regulations.² The increased civil penalty amounts became effective on January 25, 2003.

Individual Sanctions

A. Security Violations by Individuals for Prohibited Items Discovered at Checkpoint/Sterile Area/Onboard Aircraft

Applicable TSA Regulation: 49 C.F.R. § 1540.111(a)

1. Weapons

a. Firearms

- | | | |
|-----|-----------------------------------|--|
| i. | Loaded (or accessible ammunition) | \$3,000 - \$7,500 |
| ii. | Unloaded | \$1,500 - \$3,000
Plus Criminal
Referral |

- | | | |
|----|--|-----------------|
| b. | Other weapons (this category includes sharp objects, club-like items, and other prohibited items, other than firearms, that may be used as a weapon. | \$250 - \$1,500 |
|----|--|-----------------|

- | | | |
|----|---|-----------------|
| 2. | Disabling chemicals - General penalty range | \$250 - \$1,500 |
|----|---|-----------------|

¹ There are circumstances where a violation of a security requirement may result in administrative enforcement action, such as issuance of a warning notice or letter of correction or no action, depending on the facts and circumstances.

² Homeland Security Act of 2002, Title XVI, sec. 1602 (Pub. L. 107-296, November 25, 2002), 49 U.S.C. § 46301(a).

TSA Sanction Guidelines



Transportation Security Administration

- | | |
|---|---|
| 3. Incendiaries - General penalty range | \$250 - \$1,500 |
| 4. Explosives | |
| a. Blasting Caps, Dynamite, Hand grenades,
Plastic explosives & All other "high explosives" | \$6,000 - \$10,000
Plus Criminal
Referral |
| b. Ammunition (note: See exception for ammunition
in Checked Baggage, 49 C.F.R. § 1540.111(d)),
Fireworks, Flares in any form, Gunpowder (note:
volume over 10 ounces standard package justifies
use of Penalty Range A.) | \$250 - \$1,500 |

B. Security Violations by Individuals for Prohibited Items Discovered in Checked Baggage

Applicable TSA Regulation: 49 C.F.R. § 1540.111(c)

- | | |
|---|---|
| 1. Weapons | |
| a. Firearms | |
| i. Loaded (or accessible ammunition) | \$1,000 - \$2,000
Plus Criminal
Referral |
| ii. Unloaded - and undeclared/not properly
packaged | \$500 - \$1,000 |
| 2. Incendiaries - General penalty range | |
| \$250 - \$1,500 | |
| 3. Explosives | |
| a. Blasting Caps, Dynamite, Hand grenades,
Plastic explosives & All other "high explosives" | \$6,000 - \$10,000
Plus Criminal
Referral |
| b. Ammunition (note: See exception for ammunition
in Checked Baggage, 49 C.F.R. § 1540.111(d)),
Fireworks, Flares in any form, Gunpowder (note:
volume over 10 ounces standard package justifies
use of Penalty Range A.) | \$250 - \$1,500 |



C. Other Security Violations by Individuals or Persons

- | | |
|--|---|
| 1. Interference With Screening
(49 C.F.R. § 1540.109) | |
| a. Physical contact | \$1,500 - \$5,000 |
| b. Non-physical contact | \$ 500 - \$1,500 |
| c. False Threats | \$1,000 - \$2,000 |
| 2. Entering Sterile Area Without Submitting To Screening
(49 C.F.R. § 1540.107) | \$1,000 - \$3,000 |
| 3. Tampering or interfering with, compromising,
modifying, attempting to circumvent, or causing
a person to tamper or interfere with, compromise,
modify or attempt to circumvent any security
system, measure, or procedure.
(49 C.F.R. § 1540.105(a)) | \$2,500-\$6,000 |
| 4. Entering or being present within a secured area,
AOA, SIDA, or sterile area without complying with
the systems measures or procedures being applied
to control access to, or presence or movement in,
such areas.
(49 C.F.R. § 1540.105(a)(2)) | \$1,000-\$3,000 |
| 5. Improper use of airport access medium.
(49 CF.R. § 1540.105(a)(3)) | \$1,000-\$3,000 |
| 6. Fraud and Intentional Falsification
(49 C.F.R. § 1540.103) | \$2,500-\$6,000
Plus Criminal Referral |
| 7. Failure to allow inspection of airman certificate,
Authorization, or FAA license.
(49 C.F.R. § 1540.113) | \$1,000-\$3,000 |



The following is a non-exclusive list of aggravating and mitigating factors frequently encountered in cases of violations by individuals:

A. Aggravating factors

1. Artful concealment
2. Number of weapons, or volume of explosives and incendiaries
3. Type of weapon, explosive or incendiary
4. Display or use of weapon, explosive or incendiary
5. Past violation history of violator
6. Experience level of violator (e.g., airport/air carrier employees are trained and experienced).
7. Evidence of intent to interfere with operations (e.g., testing the system with a prohibited item, attempting to enter sterile area with prohibited item after previously being allowed to leave in order to divest).
8. Attitude of violator

B. Mitigating Factors

1. Disclosure by violator
2. Inexperienced flyer
3. Violator is a juvenile
4. Other penalties assessed by federal, state, or local law enforcement